



Mueller Industries, Inc.  
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June 29, 2017

VIA FEDERAL EXPRESS & EMAIL

Mr. Steve Kaiser (C-14J)  
U.S. Environmental Protection Agency, Region 5  
Office of Regional Counsel  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590  
Email: [kaiser.steven@epa.gov](mailto:kaiser.steven@epa.gov)

Dear Mr. Kaiser:

I write on behalf of Mueller Industries, Inc. ("Mueller"), and in response to the "Supplemental Request for Information Pursuant to Section 104(e) of CERCLA for the U.S. Smelter and Lead Refinery Superfund Site, East Chicago, Indiana" dated June 13, 2017 (the "Supplemental 104(e) Request"). Referenced in and enclosed (in CD form as Enclosure D) with the Supplemental 104(e) Request is a document titled "USSRAM Corporate Records Inventory" (the "Index").

**Preliminary Statement**

The Supplemental 104(e) Request is a follow-up to requests for information issued by EPA in July 2006 and June 2007. Mueller hereby incorporates by reference its responses to those requests, including without limitation the objections raised therein, which Mueller considers to be continuing and applicable to this Request as well.

Mueller also objects to the Supplemental 104(e) Request to the extent that the Request seeks information that belongs to separate legal entities, including Arava Natural Resources Company, Inc. ("Arava"), Mining Remedial Recovery Company ("MRRC"), and USS Lead Refinery, Inc. ("USS Lead"). Mueller understands that separate information requests have been directed to those entities.

Mueller also objects to the Supplemental 104(e) Request on the grounds that the Request is overly broad and seeks information that is unduly burdensome to retrieve and not reasonably calculated to advance the information-gathering goals of Section 104(e) of CERCLA.

Subject to and without waiving the foregoing objections and any other objections Mueller may have to the Supplemental 104(e) Request, Mueller has undertaken a diligent inquiry into the questions contained in the Supplemental 104(e) Request.

### **Responses**

Based on information provided to Mueller by representatives of Arava and MRRC, Mueller provides the following responses to the questions presented in the Supplemental 104(e) Request, subject to and without waiving the objections set forth in its Preliminary Statement:

1. **Request:** Please state whether Mueller is aware of the existence of the USSRAM Corporate Records Inventory Index included as Enclosure D.

**Response:** Although Mueller has no direct knowledge or awareness of the existence of the Index (apart from its inclusion in the Supplemental 104(e) Request), it understands that Mr. Scott Miller of Arava has previously seen the Index document. Mr. Miller suspected that the last time he saw the Index document was more than 10 years ago.

2. **Request:** Please identify who commissioned the creation of the Corporate Records Inventory Index.

**Response:** Mueller is unable to identify with certainty who commissioned the creation of the Index. Upon information and belief, the creation of the Index may have been commissioned by Mr. Gary Barker, the former President of Arava, who is deceased.

3. **Request:** Please state whether Mueller is in possession of the USSRAM Corporate Records Inventory identified by the enclosed index. If Mueller is not in possession of the USSRAM Corporate Records Inventory, please identify who is in possession of the inventory. Further, please explain how, when, and why it was transferred from Mueller, or Mueller's predecessor Sharon Steel, to the new entity. Finally, if the USSRAM Corporate Records Inventory has been transferred to a new entity, please provide the contact information, including the name of the entity's agent, and the agent's mailing address, phone number, and email address.

**Response:** Mueller is not in possession of the records referenced in the Index, but understands that they — either in their entirety or in large part — are likely located and maintained at the warehouse leased by MRRC at 4780 Caterpillar Road, Unit C, Redding, California 96003. MRRC may be contacted through its Vice President, Norman S. Johnson, 780

Caterpillar Road, Unit C, Redding, California 96003, (530) 242-8757, email: njohnson@mrrc.att.net.

Based on information and belief, Mueller understands that at one point in time, the records referred to in the Index were stored by its predecessor, Sharon Steel Corporation (“Sharon Steel”), at a facility in Midvale, Utah. In connection with the Bankruptcy Court-approved reorganization of Sharon Steel, the Midvale property — along with the records contained therein — was transferred to MRRC, pursuant to a December 28, 1990 capital contribution agreement (provided to Annette Lang of DOJ as Exhibit 8 to Covington’s January 25, 2017 letter).

Based on consultations with Mr. Miller, Mueller understands that the documents referred to in the Index were re-catalogued in approximately the late 1990s, when the documents were stored in the vicinity of Wildcat Junction, Utah. Accordingly, the organization and box numbering of the documents as reflected in the Index likely does not correspond to the records as they are currently organized in Redding, California.

4. **Request:** If Mueller is in possession of the USSRAM Corporate Records Inventory please provide copies of the records identified in Enclosure E.

**Response:** As noted above, Mueller is not in possession of the records referenced in the Index. Mueller understands that MRRC will undertake a diligent response to the separate 104(e) request for the records that has been issued to MRRC.

5. **Request:** Identify all persons consulted in the preparation of the answers to this request for information.

**Response:** The following individuals were consulted in the preparation of the answers to this request for information:

- Mr. Scott Miller – Arava – may be contacted through Arava’s counsel, E. Donald Elliott, Covington & Burling LLP
- Mr. Michael Baum – President, MRRC – 780 Caterpillar Road, Unit C, Redding, California 96003, (530) 242-8757
- Mr. Norman S. Johnson – Vice President, MRRC - 780 Caterpillar Road, Unit C, Redding, California 96003, (530) 242-8757
- Mr. William Hensley – former General Counsel of Mueller Industries, Inc. (1991-2000, 2003-2005) – may be contacted through me

- Mr. Gary C. Wilkerson – former General Counsel of Mueller Industries, Inc. (2005-2016) – may be contacted through me

Sincerely,



Christopher J. Miritello

Vice President, General Counsel and Secretary

cc: E. Donald Elliott, Esq. (via email only)  
Thomas Brugato, Esq. (via email only)

Enclosure F  
Information Request  
USS Lead Site

**DECLARATION**

I declare under penalty of perjury that I am authorized to respond on behalf of the Respondent and that the foregoing is complete, true, and correct.

Executed on June 29, 2017



Signature

Christopher J. Miritello

Type or Print Name

VP, General Counsel, & Secretary

Title